

of the officers next in grade in said company; and whenever a vacancy shall occur in the office of junior second lieutenant, the vacancy shall be filled by election by the non-commissioned officers and privates of the company in which such vacancy occurs. [*Ratified the 26th day of Feb. 1862.*]

AN ORDINANCE CONFERRING ON THE COMMISSIONERS OF [THE] [No. 34.]
TOWN OF WILMINGTON AND OTHER TOWNS CERTAIN POWERS
FOR THE DEFENCE THEREOF.

1. *Be it ordained, &c.,* That the commissioners of the town of Wilmington, shall have power to place obstructions in the river, and to erect or to complete, if already in process of erection, any work or works upon, or at the mouth of Cape Fear river, or around, near or within the said town, which they may deem necessary for the defence thereof, and also for the like purpose, to purchase cannon, powder, ball and other munitions of war; *Provided,* That the said obstructions are placed in the river, with the consent of the Confederate officer in command.

Authorized to construct defensive works.

2. *Be it further ordained,* That to meet the expenses which may be incurred under the foregoing section, the said commissioners shall have power to borrow money upon such terms and under such regulations, as they may adopt, and to impose such taxes upon the subjects now liable to taxation within said town as may be necessary.

Provision to meet the expenses.

3. *Be it further ordained,* That whenever the commanding officer shall certify that the expenses incurred by the commissioners under this ordinance were necessary for the State defence, the same shall be a charge upon the public treasury: *Provided,* That application shall have first been made to the Confederate government, and they shall have failed to assume the payment of the same six months after said application.

The State assumes the expenses provided the Confederate States declines to assume them.

4. *Be it further ordained,* That the provisions of this ordinance be extended to the commissioners of the towns of Newbern and Washington, or any other towns that may make the same application, under similar circumstances [*Ratified the 26th day of February, 1862.*]

Newbern and Washington.